

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**  
*Philadelphia Division*

IN RE: NICOLE M COLAMESTA	Case No. 24-10585-mdc Chapter 13
Santander Bank, N.A., Movant	
vs.	
NICOLE M COLAMESTA , Debtor	

**OBJECTION TO CONFIRMATION  
OF DEBTOR'S CHAPTER 13 PLAN**

Santander Bank, N.A. ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 2), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 23, 2024.
2. Movant holds a security interest in the Debtor's real property located at 2446 Federal St Unit 1, Philadelphia, PA 19146 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on February 23, 2024 (Doc 2).
4. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtor are inaccurate. Although Movant has not yet filed its proof of claim, it is anticipated that the claim will show the pre-petition arrearage due Movant is \$17,154.41, whereas the Plan proposes to pay only \$15,600.00.
5. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§

1322(b)(3) and 1325(a)(5) and cannot be confirmed.

6. Movant objects to any plan which proposes to pay it anything less than \$17,154.41 as the pre-petition arrearage over the life of the plan.

**WHEREFORE**, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439

Matthew Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and exact copy of the foregoing OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

BRAD J SADEK, Debtor's Attorney  
1500 JFK Boulevard  
Ste 220  
Philadelphia, PA 19102  
brad@sadeklaw.com

KENNETH E. WEST, Bankruptcy Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107

Office of United States Trustee, US Trustee  
Robert N.C. Nix Federal Building  
900 Market Street, Suite 320  
Philadelphia, PA 19107

Via First Class Mail:

NICOLE M COLAMESTA  
2446 FEDERAL ST  
UNIT 1  
PHILADELPHIA, PA 19146

Date: March 8, 2024

/s/Andrew Spivack

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